UNITED NATIONS

A

General Assembly

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GENERAL

A/RES/48/150
31 January 1994

Forty-eighth session
Agenda item 114 (c)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.3)]

48/150. Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recalling its resolution 47/144 of 18 December 1992,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, 3/ in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new Constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of Commission on Human Rights resolution 1993/73 of 10 March 1993, 4/ in which the Commission decided to extend for one year the mandate of the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, in particular summary and arbitrary executions, torture, forced labour, abuse of women, restrictions on fundamental freedoms, including the freedom of expression and assembly, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 5/ for the protection of victims of war, and the release of a number of political prisoners in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Welcoming the signing of the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees on 5 November 1993 on the voluntary repatriation of refugees from Bangladesh to Myanmar,

Noting the cease-fire that has been reached between the Government of Myanmar and several groups of ethnic and religious minorities in Myanmar,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his interim report 6/ and the conclusions and recommendations contained therein;

2. Deplores the continued violations of human rights in Myanmar;

3. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the

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4/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

5/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

6/ A/48/578, annex.

restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that political parties can function freely;

4. Notes with concern the observation of the Special Rapporteur, with regard to the National Convention, that no evident progress has been made towards turning over power to a freely elected civilian Government; 7/

5. Also notes with concern in this respect that most of the representatives duly elected in 1990 have been excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new Constitution, and that one of the objectives of the National Convention is to maintain the participation of the armed forces in a leading role in the future political life of the State;

6. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;

7. Urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women and forced labour and to enforced disappearances and summary executions;

8. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights 2/ and the International Covenant on Economic, Social and Cultural Rights 2/ and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 8/

9. Stresses the importance of free and confidential access to prisoners by international humanitarian agencies;

10. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention;

11. Regrets also that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

12. Strongly urges the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in her fifth year of detention without trial, and other political leaders and remaining political prisoners;

7/ Ibid., sect. V, para. 49.

8/ Resolution 39/46, annex.

13. Calls upon the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 12 August 1949, in particular the obligations in article 3 common to the Conventions, and to make use of such services as may be offered by impartial humanitarian bodies;

14. Encourages the Government of Myanmar fully to implement the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees of 5 November 1993 and to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity;

15. Requests the Secretary-General to assist in the implementation of the present resolution and to report to the General Assembly at its forty-ninth session;

16. Decides to continue its consideration of this question at its forty-ninth session.

85th plenary meeting
20 December 1993

UNITED NATIONS

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A/RES/48/151
31 January 1994

Forty-eighth session
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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.3)]

48/151. Human rights in Haiti

The General Assembly,

Recalling its resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992 and 47/143 of 18 December 1992,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Aware of its responsibility for the promotion and encouragement of respect for human rights and fundamental freedoms for all, and resolved to keep a close watch on human rights violations wherever they may occur,

Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

Taking note of Commission on Human Rights resolution 1993/68 of 10 March 1993, 3/ in which the Commission decided to extend the mandate of the

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Special Rapporteur for one year, with a view to having him submit an interim report to the General Assembly at its forty-eighth session and a final report to the Commission at its fiftieth session,

Taking note also of the report 4/ submitted in accordance with General Assembly resolution 47/20 B of 20 April 1993 by the International Civilian Mission to Haiti, established by the United Nations and the Organization of American States,

Deeply concerned about the grave events occurring in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned at the exodus of Haitian nationals from the country because of the deteriorating political and economic situation since 29 September 1991,

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary executions, forced disappearances, torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Deeply concerned by the increase in acts of violence and intimidation against the Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, which have contributed to the temporary withdrawal of the International Civilian Mission,

Recognizing the important role played by the International Civilian Mission, whose presence in Haiti has prevented greater violations of human rights, and encouraging its earliest possible return to Haiti,

1. Commends the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tulio Bruni Celli, for his report on the situation of human rights in Haiti 5/ and supports the recommendations contained therein;

2. Once again condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the subsequent deterioration of the situation of human rights in Haiti;

3. Expresses its conviction that the full implementation of the Governors Island Agreement, 6/ which was signed by all parties, is essential for the improvement of the situation of human rights in Haiti, and that the refusal by one of the parties to implement this Agreement has led to a further deterioration of the human rights situation;

4/ A/47/960 and Corr.1, annex.

5/ A/48/561, annex.

6/ See A/47/975-S/26063.

4. Expresses its deep concern about the continuing worsening of the human rights situation in Haiti during 1993 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights, 2/ the American Convention on Human Rights: "Pact of San José, Costa Rica" 7/ and other international human rights instruments;

5. Condemns the recurrence of the flagrant human rights violations committed under the illegal government that took power following the coup of 29 September 1991, in particular, summary executions, political assassinations, arbitrary arrests and detentions, torture, searches without warrant, rape, restrictions on freedom of movement, expression, assembly and association and of the press and the repression of popular demonstrations calling for the return of President Jean-Bertrand Aristide;

6. Calls for the early return of the International Civilian Mission to Haiti as a means of preventing further violations of human rights;

7. Calls the attention of the international community to the fate of the Haitian nationals who are fleeing the country and requests its supportfor the efforts being made to assist them;

8. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in favour of the Haitian nationals fleeing the country and invites Member States to continue to give financial and material support to its efforts;

9. Calls upon Member States to continue and to intensify their humanitarian assistance to the people of Haiti and welcomes in this regard the decision of the Secretary-General to dispatch a team of additional humanitarian personnel to Haiti;

10. Decides to keep the situation of human rights and fundamental freedoms in Haiti under review during its forty-ninth session and to consider it further in the light of the information supplied by the Commission on Human Rights and the Economic and Social Council.

85th plenary meeting
20 December 1993

7/ United Nations, Treaty Series, vol. 1144, No. 17955.

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A/RES/48/152
7 February 1994

Forty-eighth session
Agenda item 114 (c)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.3)]

48/152. Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights 2/ and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 3/ and the Additional Protocols thereto, of 1977, 4/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, Nos. 17512 and 17513.

Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its resolution 47/141 of 18 December 1992 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note, in particular, of Commission on Human Rights resolution 1993/66 of 10 March 1993, 5/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-eighth session, and of Economic and Social Council decision 1993/275 of 28 July 1993, in which the Council approved the Commission's decision,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established, 6/

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country as regards the political and legal order is affecting the security of members of all ethnic and religious groups, including minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, 2/ such as the right to life, liberty and security of person and to freedom of opinion, expression and association,

Deeply concerned about the violation of the human rights of women by warring factions in Afghanistan, and about the lack of respect towards them and their honour, physical integrity and dignity, as reported by the Special Rapporteur,

Concerned at reports of detainees who are being held for political reasons by rival groups, in particular in prisons run by political parties, among whom are several members of the former Government,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

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5/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

6/ See A/47/656, annex, appendix I.

Deeply concerned that the repatriation of Afghan refugees has dramatically declined in 1993, owing to the prevailing situation in Afghanistan, and expressing the hope that conditions in the country will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of about four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur 7/ and of the conclusions and recommendations contained therein,

Welcoming the fact that the Special Rapporteur was able to visit the capital of Afghanistan, Kabul,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan, in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of about four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

7/ A/48/584, annex.

4. Welcomes all the efforts towards reaching a comprehensive, peaceful political solution to the conflict in Afghanistan;

5. Urges all the parties to carry out, as soon as possible, a disarmament process which constitutes a prerequisite of a solution to the conflict, as decided also in the Afghan Peace Accord signed by the Afghan parties at Islamabad on 7 March 1993; 8/

6. Invites the United Nations to offer, upon the request of the Government of Afghanistan and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of a Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

7. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls upon all the Afghan parties to respect human rights;

8. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

9. Strongly urges all Afghan parties to ensure respect for the human rights and fundamental freedoms of women, so that their honour and dignity would be ensured in accordance with the provisions of international human rights instruments and humanitarian law;

10. Calls upon all States and parties concerned to make all efforts for the realization of its decision 47/428 of 16 December 1992 entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war, as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 9/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended, and also in particular for the tracing of the many Afghans still missing as a result of the war;

11. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups, and calls for the abolition of prisons run by political parties;

8/ S/25435, annex I.

9/ United Nations, Treaty Series, vol. 75, No. 972.

12. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 10/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d) and 5 to 7, of the International Covenant on Civil and Political Rights; 2/

13. Appeals to all Member States to provide adequate humanitarian assistance to Afghanistan to contribute to the alleviation of the suffering of refugees and especially to the improvement of the living conditions of women and children;

14. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

15. Reiterates its appeal to all Member States, humanitarian organizations and all parties concerned to cooperate fully on the question of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

16. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

17. Invites the United Nations Educational, Scientific and Cultural Organization, once the situation is back to normal and upon the invitation of the Afghan Government, to study the situation of the Kabul Museum and of the national archives and to take proper action to preserve the Afghan cultural heritage;

18. Recommends the translation of the report of the Special Rapporteur into the dari and pashtu languages;

19. Urges the authorities in Afghanistan to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

10/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

20. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

21. Decides to keep under consideration during its forty-ninth session the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

85th plenary meeting
20 December 1993

UNITED NATIONS

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.3)]

48/153. Situation of human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Rights of the Child, 4/ the Convention on the Prevention and Punishment of the Crime of Genocide, 5/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 6/ and other instruments of international

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 44/25, annex.

5/ Resolution 260 A (III).

6/ Resolution 39/46, annex.

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humanitarian law, including the Geneva Conventions of 12 August 1949 7/ for the protection of victims of war and the Additional Protocols thereto, of 1977, 8/ as well as the principles and commitments undertaken by States members of the Conference on Security and Cooperation in Europe,

Gravely concerned at the human tragedy in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and at the continuing massive and systematic violations of human rights occurring in most of those areas, particularly in the areas of Bosnia and Herzegovina under Bosnian Serb control,

Bearing in mind its resolution 47/147 of 18 December 1992, Commission on Human Rights resolutions 1992/S-1/1 of 14 August 1992, 9/ 1992/S-2/1 of 1 December 1992 10/ and 1993/7 of 23 February 1993 11/ and relevant resolutions of the Security Council,

Recalling specifically Security Council resolutions 771 (1992) of 13 August 1992, 780 (1992) of 6 October 1992, 787 (1992) of 16 November 1992, 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993 in which the Council demanded, inter alia, that all parties and others concerned in the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, requested the Secretary-General to establish a commission of experts to examine and analyse information relating to serious violations of such law being committed in the territory of the former Yugoslavia, and decided to establish an international tribunal for the prosecution of persons responsible for such violations,

Welcoming the convening of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the naming of its Chief Prosecutor,

Welcoming also Security Council resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac, Srebrenica and their surroundings should be treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to those areas,

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7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

8/ Ibid., vol. 1125, Nos. 17512 and 17513.

9/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2A (E/1992/22/Add.1/Rev.1), chap. II.

10/ See E/1992/22/Add.2-E/CN.4/1992/84/Add.2.

11/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Welcoming further the interim reports and recommendations of the Special Rapporteur, 12/

Expressing its appreciation to all States that have cooperated with the United Nations High Commissioner for Refugees,

Recalling its resolution 47/80 of 16 December 1992, in which it condemned unreservedly "ethnic cleansing" and acts of violence arising from racial hatred, and reiterated its conviction that those who committed or ordered the commission of acts of "ethnic cleansing" were individually responsible and should be brought to justice, and its resolution 47/121 of 18 December 1992, in which it, inter alia, stated that the abhorrent policy of "ethnic cleansing" was a form of genocide,

Noting with appreciation the efforts of the Special Rapporteur, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the representative of the Secretary-General on internally displaced persons, who accompanied him on his missions,

Encouraging the continuing efforts made in the framework of the International Conference on the Former Yugoslavia to find a peaceful solution,

Welcoming the ongoing efforts of the Conference on Security and Cooperation in Europe to re-establish its presence in the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to prevent further human rights violations, and deeply concerned about the decision of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to expel the monitoring missions of long duration of the Conference on Security and Cooperation in Europe and the European Union to Kosovo, Sandjak and Vojvodina, where the human rights situation remains a cause of great concern,

Welcoming also the efforts of the European Union, inter alia, through its monitoring missions, to promote respect for human rights and fundamental freedoms in the territory of the former Yugoslavia,

Gravely concerned at the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular at the continuing, odious practice of "ethnic cleansing", which is the direct cause of the vast majority of human rights violations there and whose principal victims are the Muslim population threatened with virtual extermination,

Noting the discriminatory policies, measures and violent actions committed against ethnic Albanians in Kosovo, and aware of the possible escalation of the situation into a violent conflict there,

Strongly rejecting policies and ideologies aimed at "ethnic cleansing" and at promoting racial and religious hatred in any form,

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12/ See S/26383, S/26415 and S/26469.

Alarmed that, although the conflict in Bosnia and Herzegovina is not a religious conflict, it has been characterized by the systematic destruction and profanation of mosques, churches and other places of worship, as well as other sites of cultural heritage, in particular in areas currently or previously under Bosnian Serb and Bosnian Croat control,

1. Commends the Special Rapporteur on the situation of human rights in the territories of the successor States of the former Yugoslavia for his reports; 12/

2. Expresses its grave concern at the Special Rapporteur's detailed reports of massive and systematic violations of human rights and humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

3. Notes with grave concern the Special Rapporteur's conclusions about the impending humanitarian disaster in the Republic of Bosnia and Herzegovina this winter;

4. Condemns in the strongest terms all violations of human rights and international humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) by all sides to the conflict, recognizing that the leadership in territory under the control of Serbs in Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of those violations;

5. Condemns also the specific violations identified by the Special Rapporteur, most of which are committed in connection with "ethnic cleansing", and which include killings, torture, beatings, arbitrary searches, rape, disappearances, destruction of houses and other acts or threats of violence aimed at forcing individuals to leave their homes, as well as reports of violations of human rights in connection with detention;

6. Condemns further the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services and besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with the Bosnian Serbs, who have used such tactics as a matter of policy, and the Bosnian Croats;

7. Supports the determination of the Security Council that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible for those breaches and that the international community shall exert every effort to bring them to justice;

8. Urges all States, United Nations bodies, including the specialized agencies, the Special Rapporteur and, as appropriate, international humanitarian organizations to make available substantiated information in their possession or submitted to them relating to violations and the perpetrators of such violations of international humanitarian law, including grave breaches of the Geneva Conventions of 12 August 1949, in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed

in the Territory of the Former Yugoslavia since 1991, established by Security Council resolution 827 (1993), for prosecution, as appropriate, by the Chief Prosecutor;

9. Expresses deep concern at the number of disappearances and missing persons in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and reiterates calls on all parties to make all possible efforts to account for those missing;

10. Urges that an immediate end be brought to the continuing practice of "ethnic cleansing", and in particular that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) use their influence with the self-proclaimed Serbian authorities in Bosnia and Herzegovina and Croatia to bring the practice of "ethnic cleansing" to an immediate end and to reverse the effects of that practice;

11. Urges the Government of Croatia to use its influence with the self-proclaimed Croatian authorities in Bosnia and Herzegovina to bring the practice of "ethnic cleansing" to an immediate end and to reverse the effects of that practice;

12. Reaffirms that States are to be held accountable for violations of human rights which their agents commit on their own territory or on the territory of another State;

13. Expresses its complete support for the victims of those violations, reaffirms the right of all persons to return to their homes in safety and dignity, considers invalid all acts made under duress affecting ownership of property and other related questions, recognizes the right of victims of "ethnic cleansing" to receive just reparation for their losses, and urges all parties to fulfil their agreements to this end;

14. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and urges the immediate, internationally supervised release of all persons arbitrarily or illegally detained in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

15. Calls for the immediate closure of all detention facilities not in compliance with the Geneva Conventions of 12 August 1949;

16. Urges all parties to notify immediately the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and urges that the International Committee of the Red Cross, the Special Rapporteur and his staff, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

17. Expresses its grave concern at the deteriorating human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro),

particularly in Kosovo, as described in the reports of the Special Rapporteur, and strongly condemns the violations of human rights occurring there;

18. Strongly condemns in particular the measures and practices of discrimination and the violations of the human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression committed by the Serbian authorities, including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice, which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The discriminatory removal of ethnic Albanian officials, especially from the police and judiciary, the mass dismissal of ethnic Albanians from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of Albanian high schools and universities;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

(d) Repression by the Serbian police and military;

19. Urges the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To take all necessary measures to bring to an immediate end the human rights violations inflicted on the ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary detention and the use of torture and other cruel, inhuman or degrading treatment and the occurrence of summary executions;

(b) To revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(c) To re-establish the democratic institutions of Kosovo, including the Parliament and the judiciary;

(d) To resume dialogue with the ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

20. Also urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, and expresses the view that the best means to safeguard human rights in Kosovo is to restore its autonomy;

21. Expresses its grave concern at the report by the Special Rapporteur of violations of human rights occurring in Sandjak and Vojvodina, particularly acts of physical harassment, abductions, the burning of homes, warrantless searches, confiscation of property, arbitrary arrests, the closure of political parties, and other discriminatory practices in favour of the

Serbian population, which are intended to change the ethnic structure of those areas;

22. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate entry of an international human rights monitoring presence into the country, particularly into Kosovo, and strongly urges them to reconsider their refusal to allow the continuation of the activities of the missions of the Conference on Security and Cooperation in Europe in Kosovo, Sandjak and Vojvodina and to cooperate with the Conference by taking the practical steps needed for the resumption of the activities of those missions, called for by the Security Council in its resolution 855 (1993) of 22 February 1993, in order to prevent the extension of the conflict to those areas;

23. Reaffirms that all parties to the conflict in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) share the responsibility for finding a peaceful solution through negotiations under the auspices of the International Conference on the Former Yugoslavia, urges that human rights concerns be given proper priority in the peace process, and calls upon the parties to implement immediately all commitments made in the framework of the Conference and to reach a just and durable solution as soon as possible;

24. Urges all United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and the specialized agencies, and Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

25. Urges all States and competent organizations to consider implementation of the recommendations of the Special Rapporteur in his recent reports, and in particular:

(a) Welcomes the call of the Special Rapporteur for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons, especially in view of the lack of access to many areas in the face of the coming winter;

(b) Supports the call of the Special Rapporteur for the immediate release of detainees into conditions of safety;

(c) Draws the attention of the international community to the need for an effective response to counter the policy of "ethnic cleansing" perpetrated by any side, particularly the Bosnian Serb forces, who have used such tactics as a matter of policy, and Bosnian Croat forces;

(d) Supports the request of the Special Rapporteur to the Croatian authorities to take action against those who have committed human rights violations and contravened international humanitarian standards in the Medak Pocket and to take steps to punish those responsible to prevent such incidents in the future;

(g) Welcomes the signing of the Joint Declaration with respect to Freedom of Movement of 18 November 1993, in which the signatories have solemnly agreed to ensure complete and secure freedom of movement for all personnel of the United Nations and international humanitarian organizations and which was solemnly renewed at a meeting held at Geneva on 29 November 1993 within the framework of the International Conference on the Former Yugoslavia;

26. Urges the Secretary-General to take all necessary steps to ensure the full and effective coordination of the activities of all United Nations bodies in implementing the present resolution, and urges those bodies concerned with the situation in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to coordinate closely with the Special Rapporteur and the International Tribunal;

27. Also urges the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force;

28. Requests the Secretary-General to give all other necessary assistance to the Special Rapporteur to enable him to fulfil his mandate;

29. Calls upon the States concerned to cooperate fully with the Special Rapporteur so as to enable him to fulfil his mandate;

30. Invites the Chief Prosecutor of the International Tribunal to consider the appointment to his office of experts in the prosecution of crimes of sexual violence;

31. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, at the disposal of the Chief Prosecutor and the International Tribunal;

32. Invites the Commission on Human Rights at its fiftieth session to request the Special Rapporteur to report to the General Assembly at its forty-ninth session;

33. Decides to continue its examination of this question at its forty-ninth session under the item entitled "Human rights questions".

85th plenary meeting
20 December 1993

UNITED NATIONS

A

General Assembly

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GENERAL

A/RES/48/154
7 February 1994

Forty-eighth session
Agenda item 114 (c)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.3)]

48/154. Situation of human rights in Cambodia

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict 3/ signed on 23 October 1991, including part III thereof, relating to human rights,

Taking note also of Commission on Human Rights resolution 1993/6 of 19 February 1993, 4/

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See A/46/608-S/23177.

4/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Recognizing that the tragic recent history of Cambodia requires special measures to assure the protection of the human rights of all people in the country and the non-return to the policies and practices of the past, as stipulated in the agreements signed in Paris on 23 October 1991, 3/

Welcoming the elections of May 1993 and the inauguration of the Government of the Kingdom of Cambodia,

1. Welcomes the establishment in Cambodia of an operational presence of the Centre for Human Rights of the Secretariat:

(a) To manage the implementation of educational and technical assistance and advisory services programmes, and to ensure their continuation;

(b) To assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently adhered to, including the preparation of reports to the relevant monitoring committees;

(c) To provide support to bona fide human rights groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice;

2. Requests the Secretary-General, in line with all effective measures, to assure the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing overall United Nations resources, for the functioning of the operational presence of the Centre for Human Rights in Cambodia;

3. Welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

4. Requests the Secretary-General to provide all necessary resources, from within existing resources, to enable the Special Representative to fulfil those tasks expeditiously;

5. Also requests the Secretary-General to report to the General Assembly at its forty-ninth session on the role of the Centre for Human Rights in assisting the Cambodian Government and people in the promotion and protection of human rights and on any recommendations made by the Special Representative on matters within his mandate;

6. Decides to continue its consideration of the situation of human rights in Cambodia at its forty-ninth session.

85th plenary meeting
20 December 1993